United Nations A/C.4/59/SR.28

General Assembly
Fifty-ninth session

Official Records

Distr.: General
11 May 2005

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 28th meeting
Held at Headquarters, New York, on Monday, 18 April 2005, at 3 p.m.

Chairman: Mr. Swe ..... (Myanmar)

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05-31275 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 77: Comprehensive review of the whole question of peacekeeping operations in all their aspects (*continued*) (A/59/19/Add.1, A/C.4/59/L.20 and A/C.4/59/L.21)

1. **The Chairman** recalled that by its resolution 59/281 of 29 March 2005, the General Assembly had endorsed the recommendations contained in the report of the Special Committee on Peacekeeping Operations (A/59/19) and decided, inter alia, that the Special Committee should meet during the fifty-ninth session to review the findings contained in the report entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations" (A/59/710), prepared by Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan and Adviser to the Secretary-General on sexual exploitation and abuse by United Nations peacekeeping personnel. The Special Committee had thus met from 4 to 8 April to consider that report and had adopted its second report on the issue of sexual exploitation and abuse (A/59/19/Add.1), which included recommendations on dealing with the problem of sexual exploitation and abuse in peacekeeping contexts.

2. **Mr. Issa** (Egypt), Rapporteur of the Special Committee, introducing the report of the Special Committee on Peacekeeping Operations and its Working Group on the 2005 resumed session (A/59/19/Add.1) and the draft resolution entitled "Comprehensive review on a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations" (A/C.4/59/L.20) recalled that when introducing the report to the Special Committee earlier in the month, the Adviser to the Secretary-General had discussed all the recommendations pertaining to the current status of immunities during peacekeeping operations, the investigative system and organizational aspects of peacekeeping operations and the financial and legal responsibilities entailed by his proposals. The Adviser to the Secretary-General had emphasized that sexual abuse and exploitation in peacekeeping operations could not be dealt with in isolation, and that States must shoulder their responsibility to resolve the problem in cooperation with the Secretary-General. At the same meeting, Mr. Guéhenno, Under-Secretary-General for Peacekeeping Operations, had highlighted the steps being taken by the Secretariat to comply with the recommendations of the Adviser to the Secretary-General.

3. Turning to the recommendations contained in the report, he highlighted the need for full compliance with the Secretary-General's policy of zero tolerance of sexual exploitation and abuse, increased participation of women in all aspects and levels of peacekeeping operations, better living conditions, welfare and recreation for peacekeeping personnel and the establishment of a professional and independent investigative body, under the authority of the United Nations, to investigate allegations of sexual exploitation and abuse. The Special Committee also called on the Secretary-General to formulate a comprehensive strategy for assistance to victims of sexual exploitation and abuse, and to introduce expedited procedures, including suspension without pay in appropriate cases to deal with cases of sexual exploitation and abuse. The Special Committee recommended that the Secretary-General's draft model memorandum of understanding with troop-contributing countries should take into account its recommendations, the recommendations of the Adviser to the Secretary-General and the provisions of General Assembly resolution 59/287. It also recommended the appointment of a group of legal experts to prepare a comprehensive report for consideration by the General Assembly at its sixtieth session. Draft resolution A/C.4/59/L.20 reproduced the recommendations set out in the report and urged Member States to implement all the proposals, recommendations and conclusions of the Special Committee.

4. **Ms. Pollard** (Director, Peacekeeping Financing Division, Office of Programme Planning, Budget and Accounts), introducing the statement on the programme budget implications of draft resolution A/C.4/59/L.21, said that a total estimated amount of $1,157,900 would be absorbed within the proposed 2005/06 support account budget; and an amount of $1,595,100 would be proposed in the 2006/07 support account budget. A total estimated amount of $6,645,000 would be absorbed within the proposed 2005/06 missions' budget; and $9,000,000 would be proposed in the 2006/07 missions' budget. An estimated amount of $476,100 would be sought from extrabudgetary funding. The budgetary implications of welfare and recreation facilities for peacekeeping personnel (A/C.4/59/L.21, para. 2 (f)) would be

considered during the review by the Working Group on contingent-owned equipment. Detailed resource requirements on the implementation of the proposals, conclusions and recommendations of the Special Committee, including those which might have implications for the programme budget for the biennium 2004-2005 and the proposed programme budget for the biennium 2006-2007, would be provided to the Fifth Committee for its examination and advice to the General Assembly.

5. **Ms. Anguiano Rodríguez** (Mexico) said that her delegation was deeply concerned about sexual exploitation and abuse in peacekeeping operations and had participated actively in the recent meeting of the Special Committee. Drawing attention to paragraph 27 of the report, she said that the words "such units" in the final sentence should be changed to "such positions", which would be consistent with "full-time personnel conduct officer positions" at the beginning of the paragraph, and would more accurately reflect what was actually envisaged.

6. **Ms. El Alaoui** (Morocco), speaking on behalf of the Movement of Non-Aligned Countries, requested a suspension of the meeting.

7. *The meeting was suspended at 3.50 p.m. and resumed at 4.05 p.m.*

8. **Mr. Issa** (Egypt) said that he could accept the correction made by the representative of Mexico to paragraph 27 of the report.

9. *Draft resolution A/C.4/59/L.20 was adopted.*

10. **Mr. Helminger** (Luxembourg), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia, the countries of the Stabilisation and Association Process and the potential candidates Albania, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro, and Iceland, welcomed the adoption of the report of the Special Committee; by convening at such short notice, the members of the Special Committee had confirmed their sense of the urgency about tackling the problem of sexual exploitation and abuse expeditiously. While the European Union believed that good progress had been made, it remained convinced that more needed to be achieved on some key recommendations, including those relating to the creation of an investigative capacity and to the reinforcement of individual criminal accountability. The European Union urged all partners to implement all the recommendations in the report swiftly and fully. To that end, the necessary means and mechanisms needed to be made available. The group of legal experts should present its conclusions expeditiously, as those findings would be crucial in completing the process.

11. The immediate and prompt reaction by the mission leadership in recent events in the Democratic Republic of the Congo and Uganda proved that a process of increased awareness and responsiveness had been initiated. Member States must also show their commitment to assume their responsibilities. The European Union remained strongly committed to the process and would continue to engage with the Secretariat and other Member States with the objective of putting an end to sexual exploitation and abuse.

12. **Ms. El Alaoui** (Morocco) speaking on behalf of the Non-Aligned Movement, reaffirmed the commitment of the Non-Aligned Movement to restoring the image of United Nations peacekeeping operations. In spite of the very short notice and the considerable number of recommendations to be considered, the Non-Aligned Movement had not only agreed to consider the report of the Adviser to the Secretary-General but had been prepared, throughout the negotiations, to endorse the relevant recommendations. Those recommendations aimed to establish an effective strategy through uniform and binding standards, a corps of professional investigators and prompt and transparent justice. The Non-Aligned Movement hoped that the Committee would achieve substantive results in line with its firm commitment to combat all abuses and violations of codes of conduct, and particularly all forms of sexual exploitation in peacekeeping operations. She hoped that the report of the Group of legal experts would be submitted sufficiently in advance of the sixtieth session of the General Assembly.

13. **Ms. Kamboj** (India) said that her delegation shared the Secretary-General's view that no form of misconduct, sexual exploitation or abuse by any category of personnel in United Nations peacekeeping missions could be countenanced. It wholeheartedly supported the policy of zero tolerance in that regard. Even perceptions of impropriety were unacceptable since they had a detrimental effect on the fulfilment of mission mandates. She welcomed the report of the Adviser to the Secretary-General. India, as a

troop-contributing country, had demonstrated its willingness to engage with other delegations and the Secretariat to work for a productive outcome on a matter that was both sensitive and critical, because it tarnished the otherwise impeccable reputation and outstanding contribution of United Nations peacekeepers, and indeed the United Nations itself. Her delegation was disappointed that the outcome of the Special Committee's session had not been more substantive.

14. **Ms. Skäre** (Norway) said that the sexual exploitation and abuse by United Nations personnel revealed in 2004 represented a major setback for the credibility of the United Nations. By endorsing the report from the Special Committee, the Committee had taken a first, small step to repair the damage, seek justice and prevent unacceptable behaviour in the future. The follow-up of the recommendations in the report would have cost implications, and should not be made dependent on voluntary contributions. Member States must take collective responsibility for the financing and leadership of the process. Civilian managers and military commanders must also be held accountable. Norway recognized the need for immediate action and had pledged US$ 800,000 for the implementation of the recommendations; it would make an initial contribution of US$ 205,000 to support the work of the task forces on sexual exploitation and abuse and the development of an implementation plan.

15. **Mr. Waguri** (Japan) said that given the increased role of peacekeeping operations globally in the consolidation of peace, the United Nations and its Member States must recognize their responsibility to guarantee the quality and discipline of peacekeeping missions. One of the most important objectives of the Special Committee in 2005 was to adopt effective preventive measures, so as to ensure that, through close cooperation between the Member States and the Secretariat, sexual exploitation and abuse were not committed and procedures were established to ensure that violators of the policy were brought to justice.

16. It was extremely important for troop-contributing countries to institute measures to prevent sexual exploitation and abuse by members of their national contingents. Together with exclusive jurisdiction over their contingents, those countries had a primary responsibility to maintain discipline in those contingents. In the consideration and implementation of the Special Committee's recommendations, care would have to be taken to conduct a full review of existing resources and functions in order to avoid duplication.

The meeting rose at 4.30 p.m.